

_____ of _____

(4) "Local transportation authority", a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

Date _____

1 (5) "Project" includes any bridge, street, road, highway,
2 access road, interchange, intersection, signing, signalization,
3 parking lot, bus stop, station, garage, terminal, hangar,
4 shelter, rest area, dock, wharf, lake or river port, airport,
5 railroad, light rail, or other mass transit and any similar or
6 related improvement or infrastructure.

7 2. For the purposes of sections 11(c), 16 and 22 of article
8 X of the Constitution of Missouri, section 137.073, RSMo, and as
9 used in sections 238.200 to 238.275, the following terms shall
10 have the meanings given:

11 (1) "Approval of the required majority" or "direct voter
12 approval", a simple majority;

13 (2) "Qualified electors", "qualified voters" or
14 "voters"[,]:

15 _____ (a) Within [the] a proposed or established district, except
16 for a district proposed under subsection 1 of section 238.207,
17 any persons residing therein who have registered to vote pursuant
18 to chapter 115, RSMo[, and]; or

19 _____ (b) Within a district proposed or established under
20 subsection 1 of section 238.207 which has no persons residing
21 therein who have registered to vote pursuant to chapter 115,
22 RSMo, the owners of record of all real property located in the
23 district, who shall receive one vote per acre, provided that
24 [any] if a registered voter [who also owns property] subsequent

1 to the creation of the district becomes a resident within the
2 district and obtains ownership of property within the district,
3 such registered voter must elect whether to vote as an owner of
4 real property or as a registered voter, which election once made
5 cannot thereafter be changed;

6 (3) "Registered voters", persons qualified and registered
7 to vote pursuant to chapter 115, RSMo.

8 238.207. 1. Whenever the creation of a district is
9 desired, not less than fifty registered voters from each county
10 partially or totally within the proposed district may file a
11 petition requesting the creation of a district. However, if no
12 persons eligible to be registered voters reside within the
13 district, the owners of record of all of the real property,
14 except public streets, located within the proposed district may
15 file a petition requesting the creation of a district. The
16 petition shall be filed in the circuit court of any county
17 partially or totally within the proposed district.

18 2. Alternatively, the governing body of any local
19 transportation authority within any county in which a proposed
20 project may be located may file a petition in the circuit court
21 of that county, requesting the creation of a district.

22 3. The proposed district area shall be contiguous and may
23 contain all or any portion of one or more municipalities and
24 counties; provided:

1 (1) Property separated only by public streets, easements or
2 rights-of-way shall be considered contiguous;

3 (2) In the case of a district formed pursuant to a petition
4 filed by the owners of record of all of the real property located
5 within the proposed district, the proposed district area need not
6 contain contiguous properties if:

7 (a) The petition provides that the only funding method for
8 project costs will be a sales tax;

9 (b) The court finds that all of the real property located
10 within the proposed district will benefit by the projects to be
11 undertaken by the district; and

12 (c) Each parcel within the district is within five miles of
13 every other parcel; and

14 (3) In the case of a district created pursuant to
15 subsection 5 of this section, property separated only by public
16 streets, easements, or rights-of-way or connected by a single
17 public street, easement, or right-of-way shall be considered
18 contiguous.

19 4. The petition shall set forth:

20 (1) The name, voting residence and county of residence of
21 each individual petitioner, or, if no persons eligible to be
22 registered voters reside within the proposed district, the name
23 and address of each owner of record of real property located
24 within the proposed district, or shall recite that the petitioner

1 is the governing body of a local transportation authority acting
2 in its official capacity;

3 (2) The name and address of each respondent. Respondents
4 must include the commission and each affected local
5 transportation authority within the proposed district, except a
6 petitioning local transportation authority;

7 (3) A specific description of the proposed district
8 boundaries including a map illustrating such boundaries;

9 (4) A general description of each project proposed to be
10 undertaken by that district, including a description of the
11 approximate location of each project;

12 (5) The estimated project costs and the anticipated
13 revenues to be collected from the project;

14 (6) The name of the proposed district;

15 (7) The number of members of the board of directors of the
16 proposed district, which shall be not less than five or more than
17 fifteen;

18 (8) A statement that the terms of office of initial board
19 members shall be staggered in approximately equal numbers to
20 expire in one, two or three years;

21 (9) If the petition was filed by registered voters or by a
22 governing body, a request that the question be submitted to the
23 qualified voters within the limits of the proposed district
24 whether they will establish a transportation development district

1 to develop a specified project or projects;

2 (10) A proposal for funding the district initially,
3 pursuant to the authority granted in sections 238.200 to 238.275,
4 together with a request that the funding proposal be submitted to
5 the qualified voters within the limits of the proposed district;
6 provided, however, the funding method of special assessments may
7 also be approved as provided in subsection 1 of section 238.230;
8 and

9 (11) A statement that the proposed district shall not be an
10 undue burden on any owner of property within the district and is
11 not unjust or unreasonable.

12 5. (1) As an alternative to the methods described in
13 subsections 1 and 2 of this section, if two or more local
14 transportation authorities have adopted resolutions calling for
15 the joint establishment of a district, the governing body of any
16 one such local transportation authority may file a petition in
17 the circuit court of any county in which the proposed project is
18 located requesting the creation of a district; or, if not less
19 than fifty registered voters from each of two or more counties
20 sign a petition calling for the joint establishment of a district
21 for the purpose of developing a project that lies in whole or in
22 part within those same counties, the petition may be filed in the
23 circuit court of any of those counties in which not less than
24 fifty registered voters have signed the petition.

1 (2) The proposed district area shall be contiguous and may
2 contain all or any portion of one or more municipalities and
3 counties. Property separated only by public streets, easements,
4 or rights-of-way or connected by a single public street,
5 easement, or right-of-way shall be considered contiguous.

6 (3) The petition shall set forth:

7 (a) That the petitioner is the governing body of a local
8 transportation authority acting in its official capacity; or, if
9 the petition was filed by obtaining the signatures of not less
10 than fifty registered voters in each of two or more counties, it
11 shall set forth the name, voting residence, and county of
12 residence of each individual petitioner;

13 (b) The name of each local transportation authority within
14 the proposed district. The resolution of the governing body of
15 each local transportation authority calling for the joint
16 establishment of the district shall be attached to the petition;

17 (c) The name and address of each respondent. Respondents
18 must include the commission and each affected local
19 transportation authority within the proposed district, except a
20 petitioning local transportation authority;

21 (d) A specific description of the proposed district
22 boundaries including a map illustrating such boundaries;

23 (e) A general description of each project proposed to be
24 undertaken by the district, including a description of the

1 approximate location of each project;

2 (f) The name of the proposed district;

3 (g) The number of members of the board of directors of the
4 proposed district;

5 (h) A request that the question be submitted to the
6 qualified voters within the limits of the proposed district
7 whether they will establish a transportation development district
8 to develop the projects described in the petition;

9 (i) A proposal for funding the district initially, pursuant
10 to the authority granted in sections 238.200 to 238.275, together
11 with a request that the imposition of the funding proposal be
12 submitted to the qualified voters residing within the limits of
13 the proposed district; provided, however, the funding method of
14 special assessments may also be approved as provided in
15 subsection 1 of section 238.230; and

16 (j) A statement that the proposed district shall not be an
17 undue burden on any owner of property within the district and is
18 not unjust or unreasonable.

19 238.210. 1. Within thirty days after the petition is
20 filed, the circuit court clerk shall serve a copy of the petition
21 on the respondents who shall have thirty days after receipt of
22 service to file an answer stating agreement with or opposition to
23 the creation of the district. If any respondent files its answer
24 opposing the creation of the district, it shall recite legal

1 reasons why the petition is defective, why the proposed district
2 is illegal or unconstitutional, or why the proposed method for
3 funding the district is illegal or unconstitutional. The
4 respondent shall ask the court for a declaratory judgment
5 respecting these issues. The answer of each respondent shall be
6 served on each petitioner and every other respondent named in the
7 petition. Any resident, taxpayer, any other entity, or any local
8 transportation authority within the proposed district may join in
9 or file a petition supporting or answer opposing the creation of
10 the district and seeking a declaratory judgment respecting these
11 same issues within thirty days after the date notice is last
12 published by the circuit clerk.

13 2. The court shall hear the case without a jury. If the
14 court shall thereafter determine the petition is defective or the
15 proposed district is illegal or unconstitutional, or shall be an
16 undue burden on any owner of property within the district or is
17 unjust and unreasonable, it shall enter its declaratory judgment
18 to that effect and shall refuse to make the certifications
19 requested in the pleadings. If the court determines that any
20 proposed funding method is illegal or unconstitutional, it shall
21 enter its judgment striking that funding method in whole or part.
22 If the court determines the petition is not legally defective and
23 the proposed district and method of funding are neither illegal
24 nor unconstitutional, the court shall enter its judgment to that

1 effect. If the petition was filed by registered voters or by a
2 governing body, the court shall then certify the questions
3 regarding district creation, project development, and proposed
4 funding for voter approval. If the petition was filed by a
5 governing body, or by no less than fifty registered voters of two
6 or more counties, pursuant to subsection 5 of section 238.207,
7 the court shall then certify the single question regarding
8 district creation, project development, and proposed funding for
9 voter approval. If the petition was filed by the owners of
10 record of all of the real property located within the proposed
11 district, the court shall declare the district organized and
12 certify the funding methods stated in the petition for qualified
13 voter approval; provided, however, the funding method of special
14 assessments may also be approved as provided in subsection 1 of
15 section 238.230. In either case, if no objections to the
16 petition are timely filed, the court may make such certifications
17 based upon the pleadings before it without any hearing.

18 3. Any party having filed an answer or petition may appeal
19 the circuit court's order or declaratory judgment in the same
20 manner provided for other appeals. The circuit court shall have
21 continuing jurisdiction to enter such orders as are required for
22 the administration of the district after its formation."; and

23 Further amend said title, enacting clause and intersectional
24 references accordingly.